

EXAMINER'S AMENDMENT

Claims 25-28 and 34-41 are allowed.

Drawings

1. The drawings were received on 05 March 2002 are acceptable.

Examiner's amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Frederick H Rabin on 21 January 2010.

The application has been amended as follows:

An amendment to the specification appears on page 3 of this examiner's amendment.

Begin amendment to the specification

Replace all occurrences of paragraph [0002] of the specification (page 1) with the following paragraph.

[0002] This application is a continuation of International Application No. PCT/GB00/03426, filed September 5, 2000, now abandoned, which was published in the English language on March 15, 2001, under International Publication No. WO 01/18145 A2, and the disclosure of which is incorporated herein by reference.

End amendment to the specification

Reasons for allowance

3. The following is an examiner's statement of reasons for allowance: applicants' newly filed a Declaration with the Petition on 12 November 2009. Said Petition was Dismissed as Moot since the properly filed declaration rendered said Petition moot.

This examiner's amendment merely updates the cross-noting section of the specification to properly reflect the status of PCT/GB00/03426, which the instant application (10/091,284) claims priority under 35 USC 120 as a Continuation thereof.

The prior art does not disclose or fairly suggest the methods as claimed. Attention is directed to the amendments and remarks filed 12 January 2009, which obviate the prior art rejections set forth in the Office Action mailed 10 July 2008.

The newly cited prior art Fox et al, US 6,612,510 and 6,482,357, are cited of particular interest but lack the component (d) and concentrations thereof for claims 37 and 39. Regarding claims 40 and 41, Fox et al, US 6,612,510 and 6,482,357, further lacks the nonionic alkoxyated alcohol surfactant or polyglycerol oleate in combination with the claimed "said component" of claims 40 and 41 and the concentrations thereof.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (571) 272-1089. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Daniel S. Metzmaier/
Primary Examiner, Art Unit 1796**

DSM